

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
March 28, 2006**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Joe Sologub, *Elk Park Landowner*; George Krstulich, *Elk Park Landowner*; John Lyons, *Elk Park Landowner*; Sam Milodragovich, *Elk Park Landowner*; Kay Ann Davis, *Elk Park Landowner*; Tammy Cerise, *Elk Park Landowner*; Viola Cerise, *Elk Park Landowner*; Cindy McIlveen, *Elk Park Landowner*; Katie Donovan, *Elk Park Landowner*; Bill Lloyd, *Great West Engineering*; Jan Anderson, *Boulder Monitor/Courier*

**CALENDAR REVIEW**

3/29 Exit meeting with the Auditor - Law Library - 2:00  
3/30 Solid Waste Board meeting - Courtroom - 7:00 a.m.  
Beaverhead/Deerlodge road discussion - basement of annex - 10:00  
Kevin and Dwayne with Helena National Forest - basement of annex - 2:00  
Chamber of Commerce Dinner - 6:00  
3/31 SCAA - 10:00  
4/4 E911 - 7:00

**COMMISSION REPORTS**

**METH TREATMENT FACILITY**

Commissioner Lythgoe reported that on Thursday, March 28<sup>th</sup>, the commission was formally advised that Boyd Andrew would be going with a 40 bed facility.

**JEFFERSON COUNTY WATERSHED**

Commissioner Weber stated that the last Watershed meeting went very well. They have put together a working group to address the issue of drainage into the Jefferson River. They will work together to bring a report to the commission as soon as possible.

**TERRY SEXTON**

Commissioner Weber stated that he had met with Terry Sexton with regards to a travel plan, EIS. He felt that Terry is very open to working with Jefferson County on all road issues. He will be heard before the commission on March 30<sup>th</sup>.

**GOLDEN TRIANGLE**

Commissioner Weber stated that there was nothing new to report after the last meeting with  
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Golden Triangle.

#### MONTANA LEGISLATIVE COUNCIL

Commissioner Notbohm, Jefferson County Planner Harold Stepper and Metal Mines Tom Harrington all attended the Montana Legislative Council meeting on Friday, March 24<sup>th</sup>. One of the topics to be discussed was the Meth Treatment Facility scheduled to be constructed in Boulder. Commissioner Notbohm stated that the Council spoke of the land transfer that is to take place for the site of the facility. There have been questions in the past as to whether or not the land had a clear title. A Montana Title Company has researched the property and declared that it is clear. There was no action taken during this meeting.

#### ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

##### NONPARTISAN PRIMARY ELECTION

Clerk and Recorder, Bonnie Ramey, sent correspondence to the Board of Commissioners stating that pursuant to 13-14-115(2)(a) she declares that it is not necessary to hold a nonpartisan primary election for county offices. The governing body may require that a primary election be held if it passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary election must be held.

##### JEFFERSON VALLEY SOIL CONSERVATION DISTRICT

The Jefferson Valley Soil Conservation District will not be required to hold an election because of the number of candidates nominated is equal to or less than the number of positions to be elected. The governing body may require an election to be held if you pass a resolution within 10 days of the filing deadline and notify the election administrator. If an election is not held, the governing body shall declare elected by acclamation the three candidates who filed a nominating petition.

Commissioner Weber makes a motion to elect by acclamation, Mark A. Gornick, Tom G. Carey, Jr. and Vincent Keogh. Commissioner Notbohm seconds. Motion carried.

##### PRECINCT COMMITTEEMAN AND WOMAN POLITICAL FILINGS

Clerk and Recorder, Bonnie Ramey, requests that the following individuals be elected by acclamation pursuant to 13-38-201(4)

##### REPUBLICAN

Precinct 8  
Terry Murphy  
Leita R. Beardsley

Precinct 9  
William Grinder  
Julie Grinder

Precinct 20  
Bill Staffeldt  
Margaret E. Beatty

##### DEMOCRAT

Precinct 1  
Chuck Mazurek

Precinct 2  
James Madison

Precinct 7  
Dean Grenz

Karole Lee

Lucy Carlson

Terry Lynn Minow

On Thursday, April 6<sup>th</sup>, there will be a department head meeting in the courtroom of the courthouse. Items on the agenda will be discussion of when the departments need to have their budgets turned in, the new health insurance, performance evaluations and the need to update the personnel policy manual.

## **SUBDIVISION REVIEW**

### **PRELIMINARY PLAT APPROVAL DAVIS MINOR SUBDIVISION**

Mike Hoffman addressed the commission to recommend Preliminary Plat Approval for the Davis Minor Subdivision. The proposed subdivision is a five lot minor subdivision located approximately 1 mile southwest of Whitehall, Montana on Highway 55 and Makowski Lane. It contains 32.116 acres. It is proposed to subdivide the parcel into five tracts ranging in size from 2.377 acres to 11.877 acres. Surrounding land use is rural residential.

Mike stated the proposed subdivision is subject to the DEQ sanitary restriction approval. All restrictions have been lifted.

He also stated that parkland dedication is not required for the subdivision.

Mike then drew attention to #9 under Findings of Fact. Tract 3 is three times longer than it is wide. Subdivision regulation (8.1.7.6) states, "No lot shall have an average depth greater than three times its average width." Therefore, a variance will need to be granted for Tract 3 to be three times longer than wide.

Mike stated that the Jefferson County Planning office recommends Preliminary Plat Approval for the Davis Minor Subdivision.

Commissioner Lythgoe asked who needs to grant the variance and when do we do that?

Mike stated that by granting the Preliminary Plat Approval the Commission would be granting the variance.

Commissioner Weber stated that it looked like Tract 3 would require an access onto Hwy 55. Mike stated that the current access is between Tract 3 and 4 on Makowski Lane.

Commissioner Weber moved that Preliminary Plat Approval be granted for the Davis Minor Subdivision. Commissioner Notbohm seconded the motion. Motion carried.

### **S & C #3 AND #4**

Jefferson County Planner Harold Stepper outlined the Preliminary Plat Approval for S&C #3 and #4. He stated that it was the same conditional approval as before. Commissioner Weber asked if he is or is not presenting them for approval. Harold then informed the Commission that Mr. Donat had stated to him that the Commission could sign them and mail them but he would

protest. Commissioner Notbohm then stated that at this point we should consult the County Attorney. Commissioner Lythgoe asked for the record that Mr. Donat will not sign the documents? Harold stated that was correct, Mr. Donat will not sign. Commissioner Weber then asked that he does want us to consider this document and sign? Harold Stepper stated that was correct. Commissioner Notbohm then suggested that we table making a decision of the Preliminary Plat Approval for two weeks. Commissioner Lythgoe stated that he disagreed. He stated that we should do our part. We have the authority to sign and Mr. Donat has an attorney and can do what he needs to do. Mathew Johnson stated that everything we have done so far is to help this individual. Commissioner Weber asked again that Mr. Donat does indeed want us to take action? Harold replied yes. Commissioner Notbohm stated that the fact of the matter is, due to the litigation that is ongoing this will end up just being an extension of that. He stated that he felt the County needs to settle the dispute on S&C #1 and #2 first. Commissioner Lythgoe disagreed stating that if we do not sign we may open ourselves up for further legal action.

Commissioner Weber moved that the Jefferson County Commission grant Preliminary Plat Approval for S&C #3 Minor Subdivision and S&C #4 Minor Subdivision. Commissioner Lythgoe seconded the motion. Commissioner Notbohm then stated that he would be willing to go through mediation with Mr. Donat and collect a list of what it is that Mr. Donat wants. Commissioner Lythgoe voted aye to motion, Commissioner Weber voted aye to motion and Commissioner Notbohm voted Nay to motion. Motion carries.

Commissioner Lythgoe then stated that as to Commissioner Notbohm's offer to enter into mediation with Mr. Donat, he feels that the County Attorney and the Engineers have worked in good faith with Mr. Donat up until now and will continue to do so. He stated that he feels the Commissioners should stay out of it. Matt Johnson stated that he had made the same offer Commissioner Notbohm put forth, however now that Mr. Donat has an attorney involved we need to contact our own council, which is Mr. Chronister. Commissioner Notbohm asked Matt if he would please let Mr. Chronister know that he has made the offer to attend mediation.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **TSEP APPLICATION**

Bill Lloyd with Great West Engineering addressed the Board and then the public gallery stating that it would be greatly appreciated if everyone would sign the sign in sheet provided by the Commissioners Office at the door. The more public interest that we can show will help in securing the grant.

Bill Lloyd stated that the six bridges slated for replacement were chosen because they were ranked at a level 4, which is the highest rank you can achieve without being closed. Once a bridge is labeled at a level 5 by law the bridge must be closed.

The bridges in Jefferson County that are scheduled for replacement are the Lump Gulch Road Bridge (LG1), the Sloans Lane Bridge (SL1), the High Valley Road Bridge (HC1), the Forcella Road Bridge (FO1), the Parrot Castle Road Bridge (PC1) and the KG Ranch Road Bridge (KG1). The order of the bridges listed here do not reflect the order in which they will be replaced. Bill Lloyd explained that once Jefferson County secures the grant the county has the say in which order the bridges will be replaced. Bill Lloyd also wanted to make it very clear that

this was a way for the county to fix and replace bridges in need without raising taxes.

Bill then requested that the Commission open the floor to the public for questions or comments. Commissioner Weber stated that before the floor was opened for public comment he wanted Bill to explain why some bridges in need had been passed over. Bill Lloyd stated that many things had to be taken into account when a bridge is evaluated and the bridges that were chosen were the ones that met the Level 4 criteria and were the counties best opportunity to secure the TSEP Grant. But he would like it made clear that the county was actively seeking funding for the repair and or replacement of other bridges that are in need.

#### GALLERY COMMENT

Joe Sologub a resident on High Valley Road addressed the commission stating that the High Valley Road Bridge has wood abutments. He stated that the stringers and decking have been repaired or replaced but now the abutments are sinking. He stated that this bridge is of vital importance as it is the only access onto that side of Basin Creek. He would like to see the bridge placed high in the line of importance as it is rapidly sinking and many of the residents fear that it will not survive the spring runoff.

George Kristulich stated that he feels the board is well aware of how important the issue of the High Valley Road Bridge is, and all of his questions have been answered.

John Lyons stated that he is concerned that with the heavy traffic this bridge sustains that someone is going to get hurt. Or that one day someone in the valley will need the aid of a rescue vehicle, whether it be medical or fire, and that they will be unable to cross the bridge.

Sam Milodragovich stated that with all of the heavy equipment that crosses this bridge he feels that it needs to get done sooner rather than later.

Cindy McIlveen stated that she hoped that if it was at all possible to move it up to number one on the priority list the commission would consider doing so. Heavy traffic concerns her.

Viola Cerise stated that this bridge the only access to her property and it is vital to the life of her ranch.

Bill Lloyd thanked everyone for attending and speaking up as public involvement is a ranking criteria for the grant. He also encouraged everyone to write letters of support that could be submitted with the grant application. The grant application needs to be turned in by 5:00 p.m. on May 5<sup>th</sup>. He stated that letters of concern and letters of support are two separate things and to please submit both.

Commissioner Notbohm stated that the commission is very concerned and taking an active roll in replacing these bridges. Commissioner Lythgoe asked Bill if there was any way to try and secure the High Valley Road Bridge until funding was in place. Bill stated that they could work with Ben Sautter to try and divert some of the spring runoff. The commission will speak with Mr. Sautter about this issue. Many in the gallery stated that they felt this was the year the bridge is going to fail. Commissioner Lythgoe asked if there were anymore questions or comments. None were stated. Commissioner Lythgoe then thanked everyone for coming and speaking with the

board about their concerns.

**RESOLUTION 11-2006 TO AUTHORIZE SUBMISSION OF TSEP APPLICATION**  
**RESOLUTION 11-2006**

**RESOLUTION TO AUTHORIZE SUBMISSION OF TSEP APPLICATION**

**WHEREAS**, Jefferson County is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) to construct improvements to county area bridges;

**WHEREAS**, Jefferson County has the legal jurisdiction and authority to construct, finance, and maintain the proposed bridge improvements;

**WHEREAS**, Jefferson County agrees to comply with all State laws and regulations and the requirements described in the TSEP Application Guidelines dated October 2005;

**NOW THEREFORE BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSIONERS**, that Tom Lythgoe, Jefferson County Commission Chairman, is authorized to submit this application to the Montana Department of Commerce, on behalf of Jefferson County, to act on its behalf and to provide such additional information as may be required.

Commissioner Weber read the resolution to the board. He then moved to adopt Resolution 11-2006. Commissioner Lythgoe seconded. Motion carried.

**RESOLUTION 12-2006 RESOLUTION TO MATCH FUNDS**  
**RESOLUTION 12-2006**

**A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION**

**WHEREAS**, the Jefferson County Commission wishes to replace six bridges,  
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**WHEREAS**, this project is estimated to cost up to \$591,600.00,

**WHEREAS**, the Jefferson County Commission is required to match the TSEP Grant in funds and in-kind services. The fund amount shall be \$280,000.00,

**NOW THEREFORE BE IT RESOLVED BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS**, that the matching financial sum of \$280,000.00 shall be funded from Bridge Funds.

Commissioner Lythgoe read the resolution to the board and gallery. Commissioner Weber moved to adopt Resolution 12-2006. Commissioner Notbohm seconded motion carried.

RESOLUTION 13-2006 TO AMEND JEFFERSON COUNTY SUBDIVISION  
REGULATIONS

**RESOLUTION 13-2006**

**RESOLUTION TO AMEND JEFFERSON COUNTY SUBDIVISION REGULATION**

**WHEREAS**, the Legislature enacted Title 76, Part 5, Chapter 3, which mandates that the governing body of every county shall adopt and provide for the enforcement and administration of subdivision regulations; and

**WHEREAS**, Jefferson County has a current set of Subdivision Regulations that are used for proposed county Subdivisions; and

**WHEREAS**, Jefferson County Road Standards, Bridge Standards, and Encroachment and Approach standards have since been amended by the Jefferson County Board of Commissioners; and

**WHEREAS**, the Jefferson County Board of Commissioners intend to amend the

Jefferson County Subdivision Regulations to include the most updated version of the County Road Standards and Bridge Standards as well as encroachment permit standards and having had a public hearing on the proposed amendments on March 28, 2006 per the requirements of MCA 76-3-503 and having considered all comment and evidence;

**NOW THEREFORE BE IT RESOLVED**, that pursuant to 76-3-501, MCA the Jefferson County Board of Commissioners hereby incorporates the attached proposed amendments into the Jefferson County Subdivision Regulations as found in Exhibit "A" (and incorporated herein by reference).

Commissioner Weber read the resolution to the board and gallery. Commissioner Weber then moved to adopt Resolution 13-2006. Commissioner Notbohm seconded. Motion carried.

RESOLUTION 14-2006 TO ADOPT THE FINAL PRELIMINARY ENGINEERING  
REPORTS TO COMPLETE BRIDGE STANDARDS

**RESOLUTION 14-2006**

**RESOLUTION TO ADOPT THE FINAL PRELIMINARY ENGINEERING REPORTS  
TO COMPLETE BRIDGE STANDARDS**

**WHEREAS**, Jefferson County, Montana has completed Preliminary Engineering Reports (hereafter referred to as PERs) for the Lump Gulch Road Bridge LG1 the Sloans Lane Bridge SL1, the High Valley Road Bridge HC1, the Forcella Road Bridge FO1, the Parrot Castle Road Bridge PC1, and the KG Ranch Road Bridge KG1;

**WHEREAS**, the PERs have identified needs for each of these County bridges;

**WHEREAS**, the PERs provide recommendations for improvements to each of these bridges;

**WHEREAS**, the PERs provide recommendations for funding the recommended bridge



improvements;

**WHEREAS**, Jefferson County, Montana has the legal jurisdiction and authority to construct, finance, operate and maintain the bridge system;

**WHEREAS**, Jefferson County, Montana held a public meeting to review the PERs, review the recommended funding alternatives, and solicit public comment;

**NOW THEREFORE BE IT RESOLVED BY THE JEFFERSON COUNTY**

**BOARD OF COMMISSIONERS**, To adopt the Final PERs and recommendations for the Lump Gulch Road Bridge LG1 the Sloans Lane Bridge SL1, the High Valley Road Bridge HC1, the Forcella Road Bridge FO1, the Parrot Castle Road Bridge PC1, and the KG Ranch Road Bridge KG1, as attached to this resolution as Exhibit “A” and hereafter incorporated into this resolution.

Commissioner Weber read the resolution to the board and gallery. Commissioner Weber then moved to adopt Resolution 14-2006. Commissioner Notbohm seconded. Motion carried.

AASHTO

Commissioner Weber moved to remove all references to AASHTO Bridge Standards from the current road standards. Commissioner Lythgoe seconded. Motion carried.

COLONIAL DRIVE

Commissioner Lythgoe stated that it would only make sense to rename this road to Colonial Drive for emergency response purposes if nothing else. Commissioner Weber moved to rename the entire portion of the road in Jefferson County to Colonial Drive. Commissioner Notbohm seconded but wanted to know who was in charge of road maintenance. Commissioner Lythgoe explained that Helena will maintain to city line and the DOT will maintain the rest. Motion carried.

Commissioner Lythgoe stated that he would like it on the record that he is very pleased with the operations of the County Health Nurse and her entire office.

Commissioner Lythgoe moved to adjourn the meeting. Commissioner Weber seconded.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**